

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:	Chapter 11
Fred's, Inc., <i>et al.</i> , ¹	Case No. 19-11984 (CTG)
Debtors.	(Jointly Administered)
FI Liquidating Trust,	Obj. Deadline: October 12, 2021 at 4:00 p.m. (ET)
Plaintiff,	Hrg. Date: October 25, 2021 at 10:00 a.m. (ET)
vs.	Adv. No. See Exhibit "A"
Defendants Listed on Exhibit "A",	
Defendant.	

**NOTICE OF HEARING AND RESPONSE DATE FOR MOTION AND
DEFENDANTS' ELECTION AS TO PROCEDURES ORDER TRACK**

PLEASE TAKE NOTICE that the FI Liquidating Trust (the "Plaintiff" or "Trust") has filed *Plaintiff's Motion for Orders Establishing Streamlined Procedures Governing Adversary Proceedings Brought by Plaintiff Pursuant to 11 U.S.C. §§ 502, 547, 548, 549 and 550 of the Bankruptcy Code* (the "Procedures Motion") with the United States Bankruptcy Court for the District of Delaware (the "Bankruptcy Court").²

Your rights might be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may

¹ The Debtors in these Chapter 11 Cases, along with the last four digits of each Debtor's federal tax identification number, are: Fred's, Inc. (4010); Fred's Stores of Tennessee, Inc. (9888); National Equipment Management and Leasing, Inc. (4296); National Pharmaceutical Network, Inc. (9687); Reeves-Sain Drug Store, Inc. (4510); Summit Properties-Jacksboro, LLC (9161); Summit Properties-Bridgeport, LLC (2200); and 505 N. Main Opp, LLC (5850). The Debtors' current mailing address is c/o FI Liquidating Trust, 27 Crimson King Drive, Bear, DE 19701.

² Capitalized terms used herein but not otherwise defined shall have the meanings ascribed to them in the Procedures Motion.

wish to consult an attorney).

PLEASE TAKE FURTHER NOTICE that the Procedures Motion requests that the Court enter separate procedure orders for adversary proceedings based on the total amount in controversy: (a) one for cases with total amount in controversy less than or equal to \$75,000.00; and (b) one for cases with total amount in controversy greater than \$75,000.00.

- a. All cases with total transfers **equal to or less than \$75,000** are currently placed on Exhibit 1 to the proposed order attached as Exhibit B to the Procedures Motion, which proposed order provides that mediation occurs prior to formal discovery. Any Defendant currently listed on Exhibit 1 to Exhibit B to the Procedures Motion who wishes to be placed on Exhibit 2 to the proposed order attached as Exhibit C to the Procedures Motion, which proposed order provides for formal discovery prior to mediation, must fill out the enclosed election form and send to Plaintiff's counsel either (1) by scanning the ballot and emailing it to the email address listed on the balloting form or (2) by mailing the ballot to the address listed on the balloting form. **This ballot must be sent so as to be received by Plaintiff's counsel no later than 4 p.m. ET on October 12, 2021.** If you wish to remain on Exhibit 1 to Exhibit B to the Procedures Motion, which provides for mediation prior to formal discovery, you do not have to fill out any form.
- b. If a Defendant notifies the Plaintiff by this deadline, the Plaintiff will move the Defendant(s) in cases with total transfers equal to or less than \$75,000.00 that requested the change to the proposed order attached as Exhibit C to the Procedures Motion. **Should a Defendant not notify Plaintiff of its election to move to Exhibit C by the deadline, that Defendant is deemed to have waived its right to elect to change orders.**

PLEASE TAKE FURTHER NOTICE that objections, if any, to the Procedures Motion must be in writing, filed with the Clerk of the Bankruptcy Court, 824 North Market Street, 3rd Floor, Wilmington, Delaware 19801, and served, so as to be received by the undersigned no later than **October 12, 2021 at 4:00 p.m. (ET)** (the "Objection Deadline").

PLEASE TAKE FURTHER NOTICE that if an objection is timely filed, served, and received, and such objection is not otherwise timely resolved, a hearing to consider such objection to the Motion will be held before the Honorable Craig T. Goldblatt, United States Bankruptcy

Judge, at the Bankruptcy Court, 824 North Market Street, 3rd Floor, Courtroom 7, Wilmington, Delaware 19801 on **October 25, 2021 at 10:00 a.m. (ET)**. Only those objections that are timely filed and served so as to be received by the Notice Parties on or before the Objection Deadline will be considered by the Court.

PLEASE TAKE FURTHER NOTICE THAT IF AN OBJECTION IS NOT FILED, SERVED, AND RECEIVED BY THE OBJECTION DEADLINE, THE COURT MAY GRANT THE RELIEF REQUESTED IN THE MOTION WITHOUT FURTHER HEARING OR NOTICE.

Dated: September 28, 2021

WOMBLE BOND DICKINSON (US) LLP

/s/ Ericka F. Johnson

Matthew P. Ward, Esq. (No. 4471)
Ericka F. Johnson, Esq. (No. 5024)
1313 North Market Street, Suite 1200
Wilmington, Delaware 19801
Telephone: (302) 252-4320
Facsimile: (302) 252-4330
E-mail: matthew.ward@wbd-us.com
ericka.johnson@wbd-us.com

-and-

CONNOLLY GALLAGHER LLP **

/s/ N. Christopher Griffiths

N. Christopher Griffiths (#5180)
Lisa Hatfield (#4967)
1201 North Market Street, 20th Floor
Wilmington, Delaware 19801
Telephone: (302) 888-6313
Email: cgriffiths@connollygallagher.com
lhatfield@connollygallagher.com

-and-

ASK LLP

Joseph L. Steinfeld, Jr., Esq., MN SBN 0266292

Kara E. Casteel, Esq. MN SBN 0389115

2600 Eagan Woods Drive, Suite 400

St. Paul, MN 55121

Telephone: (651) 289-3846

Fax: (651) 406-9676

Email: kcasteel@askllp.com

-and-

Edward E. Neiger, Esq.

60 East 42nd Street, 46th Fl.

New York, NY 10165

Telephone: (212) 267-7342

Fax: (212) 918-3427

Counsel for Plaintiff

Exhibit “A”

Defendant Name	Adversary Number
3Cloud, LLC	21-51044
A & C Business Enterprises LLC	21-51047
Accelerate360 Distribution, LLC dba American News Company, LLC	21-51034
Alco Manufacturing Company	21-51049
Alere Toxicology Services, Inc.	21-51051
All American Security & Service	21-51054
ARC Realty, LLC	21-51055
ateb, Inc.	21-51056
Audio Architex Inc.	21-51057
Avaneesh Enterprises	21-51059
BDO USA, LLP aka BDO Siedman	21-51061
Benjamin Ray Skinner dba All-Star Security Services	21-51035
Buffalo Rock Company	21-51036
Buffalo Rock Distribution Company, L.L.C.	21-51063
C.H. Robinson Company Inc.	21-51065
Caplin & Drysdale, Chartered	21-51096
CBRE Capital Markets, Inc.	21-51097
CDW Direct, LLC	21-51098
Clarion Security LLC	21-51101
Clark Beverage Group, Inc. dba Clark Beverage Corp.	21-51105
Cotton Gallery, Ltd.	21-51107
DataMax System Solutions, Inc.	21-51110
David Coyt Majure	21-51114
Dippin' Dots, L.L.C.	21-51116
Duffy Box & Recycling, Inc. dba Box Resellers	21-51120
Echelon Solutions Group LLC	21-51122
Ecolab Inc. **	21-51086
Engie Insight Services Inc.	21-51124
eRx Network, LLC	21-51125
European Home Design, LLC	21-51126
Family Four Construction Inc.	21-51127
FGX International Inc.	21-51038
GlaxoSmithKline LLC **	21-51083
Grant Thornton LLP	21-51132

H2 Holdings, LLC dba Asylas	21-51128
Haddad Associates, Inc. dba Gateway Group Personnel	21-51040
Hallmark Marketing Company, LLC	21-51129
Hogan Dedicated Services, LLC	21-51130
Hogan Logistics, Inc.	21-51131
Hot Graphics & Printing, Inc.	21-51136
Hughes Network Systems, LLC	21-51138
InComm Healthcare & Affinity, Inc.	21-51141
Interactive Communications International, Inc. dba InComm	21-51043
Interface Security Systems, L.L.C.	21-51144
International Cotton Depots, Inc.	21-51147
J & D Resources, Inc. dba JDResources, Inc.	21-51041
JMJ Phillip Group, LLC	21-51149
K.W. Textile, Inc.	21-51153
Kentwood Land, LLC	21-51042
Konica Minolta Business Solutions U.S.A., Inc. dba Konica Minolta Premier Finance	21-51155
Kraft Heinz Foods Company dba Kraft Foods	21-51156
Lewisburg Printing LLC	21-51157
Loyalty Lane, Inc.	21-51158
Magic Video, Inc.	21-51045
Manthan Systems Inc.	21-51159
Marketing by Design LLC	21-51134
Marketouch Media, Inc.	21-51135
Mars PetCare US Inc.	21-51137
McKee Foods Corporation	21-51139
Meltzer, Purtill & Stelle LLC	21-51140
Mercer Health & Benefits LLC	21-51142
Michaels Stores, Inc. dba Michaels	21-51143
MTI Digital Inc.	21-51145
NASDAQ, Inc.	21-51146
NexTech Solutions LLC	21-51046
Novus Media LLC	21-51148
Oldcastle Lawn & Garden, Inc.	21-51150
OrderInsite, LLC	21-51152
Orkin, LLC	21-51154
Parata Systems, LLC	21-51121
Pfizer, Inc.	21-51123
Pinnacle Propane Express, LLC	21-51048
PJ Solomon Securities, LLC	21-51058

Prairie Farms Dairy, Inc.	21-51050
Premium Waters, Inc.	21-51060
PRGX USA, Inc.	21-51062
Pridestaff, Inc.	21-51064
R & M Joint Venture, LLC	21-51133
RE Transportation, Inc.	21-51066
Rebox Corp	21-51067
Red River Commodities, Inc.	21-51068
Reddy Ice LLC	21-51069
Refresco Beverages US Inc. dba Cott Beverages Inc.	21-51070
Republic Services, Inc.	21-51071
Richter Consulting Inc.	21-51072
RSUI Group, Inc	21-51052
S.C. Johnson & Son, Inc.	21-51073
Scriptcycle, LLC	21-51074
Securitas Security Services USA, Inc.	21-51075
SHI International Corp.	21-51076
SJT Enterprises, Inc.	21-51077
SMS Assist, L.L.C.	21-51078
Southern Telecom, Inc. fdba AIT International Inc.; and Rosenthal & Rosenthal, Inc. **	21-51089
SP National Management LLC fdba Strategic Partner LLC	21-51079
Spectrum Brands, Inc.	21-51080
Staffmark Investment LLC	21-51081
Sterling Building Specialists Inc.	21-51082
Store Systems Technology, Inc.	21-51084
Stratus Unlimited LLC fdba MC Sign LLC	21-51085
Tableau Software, LLC	21-51087
Telapex, Inc. dba C Spire	21-51088
Telepak Networks, Inc. dba C Spire Fiber	21-51090
The Bazaar, Inc.	21-51091
The Quaker Oats Company	21-51092
The Terminix International Company Limited Partnership	21-51093
The Wholesale Group L.L.C.	21-51094
Tom Bell Fire Equipment, LLC	21-51095
TripActions, Inc.	21-51099
Trustwave Holdings, Inc.	21-51100
TSG Enterprises, LLC dba RadiusPoint	21-51102
Turner Dairy Farms, Inc.	21-51103
U.S. Alliance Paper, Inc.	21-51104

United Parcel Service, Inc. dba UPS	21-51106
Universal Charge Accounts, Inc.	21-51108
U-Play USA, LLC aka U-Play Corporation	21-51109
UTZ Quality Foods, Inc.	21-51111
VaxServe, Inc.	21-51112
W. L. Petrey Wholesale Company, Inc.	21-51113
Warren Oil Company, LLC	21-51115
Washington Inventory Service, Inc.	21-51117
Waste Management, Inc.	21-51053
Working Solutions of Memphis, LLC	21-51118
Yash Technologies, Inc.	21-51119

* 123 Adversary Proceedings